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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/723,141	11/26/2003	Masato Yamazaki	848075/0062	9457

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SCHULTE ROTH & ZABEL LLP  
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NEW YORK, NY 10022

EXAMINER
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BEMBEN, RICHARD M

ART UNIT	PAPER NUMBER
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2622

MAIL DATE	DELIVERY MODE
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08/07/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/723,141	<b>Applicant(s)</b> YAMAZAKI, MASATO	
	<b>Examiner</b> Richard M. Bemben	<b>Art Unit</b> 2622	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on 26 November 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>11/26/03</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **Claims 1-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Takada (US 6,359,652).**

**[Claim 1]** Takada discloses an attachment structure for attaching a camera module to a housing (*Figures 3-6*), said camera module having an image capturing element portion mounted on a substrate (*c. 6, ll. 15-40; Figures 5&6, photographic element 301 and substrate 310*) and a lens portion provided on said image capturing element portion (*c. 5, ll. 55-65; Figures 3&4, lens 903*), said attachment structure of said camera module comprising:

an elastic member which is elastically deformed in a thickness direction, arranged between said substrate and said housing (*c. 7, l. 58 – c. 8, l. 20; Figures 5&6, springs 368-371*);

and at least one latch provided on said housing (*c. 7, ll. 41-51; Figure 5*);

wherein said camera module engages with said latch, and movement of said elastic member in the restoring direction is restricted (*c. 7, l. 58 – c. 9, l. 13*).

**[Claim 2]** Takada further discloses a cover member which covers the image capturing element portion, said cover member having an opening (*c. 5, l. 59 – c. 6, l. 22; c. 6, l. 41 – c. 7, l. 14; Figures 4-7, chassis 320*).

**[Claim 3]** Takada further discloses that said latch comprises a second elastic member standing at a periphery of an attachment area of said housing to which the camera module is attached, and a prong portion which can engage with a latching surface of said cover member, said prong portion being provided on said second elastic member and projecting towards said latching surface (*c. 7, l. 30 – c. 8, l. 20; c. 8, l. 41 – c. 9, l. 14; Figures 3-6*).

**[Claim 4]** Takada further discloses a guide surface for guiding said camera module, is formed on said prong portion, said guide surface having a slanted shape between a tip surface and an end surface of said prong portion (*c. 7, l. 30 – c. 8, l. 20; c. 8, l. 41 – c. 9, l. 14; Figures 3-6*).

**[Claim 5]** Takada discloses a portable terminal device comprising: a camera module having an image capturing element portion mounted on a substrate and a lens portion provided on said image capturing element portion; and a housing to which said camera module is attached (*refer to the rejection of claim 1*); said housing comprising: a first casing into which said camera module is attached (*c. 5, l. 59 – c. 6, l. 7; Figures 4-6, mounting plate 350 and rear casing 1002*); and a second casing for covering said first casing, and forming an open area for the lens portion (*c. 5, l. 59 – c. 6, l. 7; Figures 4-6,*

*front casing 1001*); wherein said camera module is attached to said housing using the attachment structure for attaching a camera module according to claim 1 (*refer to the rejection of claim 1*).

**[Claim 6]** Refer to the rejection of claim 5.

**[Claim 7]** Refer to the rejection of claim 2.

**[Claim 8]** Refer to the rejection of claim 3.

**[Claim 9]** Refer to the rejection of claim 4.

**[Claim 10]** Refer to the rejections of claims 5&6.

**3. Claims 1-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Tanaka et al. (US 7,218,732), hereafter "Tanaka".**

**[Claim 1]** Tanaka discloses an attachment structure for attaching a camera module to a housing, said camera module having an image capturing element portion mounted on a substrate and a lens portion provided on said image capturing element portion (*c. 3, l. 29 – c. 4, l. 57; Figures 2-4*), said attachment structure of said camera module comprising:

an elastic member which is elastically deformed in a thickness direction, arranged between said substrate and said housing (*c. 3, ll. 31-41; Figures 2B&3, cushioning member 19*);

and at least one latch provided on said housing (*Figures 2B&3, cushioning member 18*);

wherein said camera module engages with said latch, and movement of said elastic member in the restoring direction is restricted (*c. 3, l. 29 – c. 4, l. 57; Figures 2-4*).

**[Claim 2]** Tanaka further discloses a cover member which covers the image capturing element portion, said cover member having an opening (*Figures 2B-4, module 14*).

**[Claim 3]** Tanaka further discloses that said latch comprises a second elastic member standing at a periphery of an attachment area of said housing to which the camera module is attached, and a prong portion which can engage with a latching surface of said cover member, said prong portion being provided on said second elastic member and projecting towards said latching surface (*Figures 2B-4*).

**[Claim 4]** Tanaka a further discloses a guide surface for guiding said camera module, is formed on said prong portion, said guide surface having a slanted shape between a tip surface and an end surface of said prong portion (*Figure 2B-4*).

**[Claim 5]** Tanaka discloses a portable terminal device comprising: a camera module having an image capturing element portion mounted on a substrate and a lens portion provided on said image capturing element portion; and a housing to which said camera module is attached (*refer to the rejection of claim 1*); said housing comprising: a first casing into which said camera module is attached (*c. 4, ll. 9-33; Figures 2-3, lower casing 132*); and a second casing for covering said first casing, and forming an open area for the lens portion (*c. 4, ll. 9-33; Figures 2-3, upper casing 131*); wherein said

camera module is attached to said housing using the attachment structure for attaching a camera module according to claim 1 (*refer to the rejection of claim 1*).

**[Claim 6]** Refer to the rejection of claim 5.

**[Claim 7]** Refer to the rejection of claim 2.

**[Claim 8]** Refer to the rejection of claim 3.

**[Claim 9]** Refer to the rejection of claim 4.

**[Claim 10]** Refer to the rejections of claims 5&6.

#### ***Priority***

4. Applicant cannot rely upon the foreign priority papers to overcome this rejection because a translation of said papers has not been made of record in accordance with 37 CFR 1.55. See MPEP § 201.15.

#### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Takachi (US 2003/0137595) discloses an image pickup device comprising a biasing member 18 for biasing the optical component 10 toward the package 3 is provided between the image sensing device accommodating package 3 and the optical component 10.

Kobayashi (US 7,180,546) discloses a thermal conductive rubber that is interposed between a substrate on which an image capturing element is arranged, and

a shield, so that the image capturing unit composed of the image capturing element and the substrate, and the shield are thermally bonded.

Kang (US 7,133,691) discloses a portable telephone with a camera in which a functionality of a camera being rotated to an object in any desired rotational angle without a main body turned around.

Tatehana et al. (US 6,879,337) disclose a mobile terminal device with a camera.

Ting (US 6,665,455) discloses the structure of an image sensing module.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard M. Bemben whose telephone number is (571) 272-7634. The examiner can normally be reached on 8:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lin Ye can be reached on (571) 272-7372. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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